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SUBJECT: URUGUAY: UN REPORT PUTS PRISON REFORM ON FRONT BURNER

#### Summary

1. A March report by UN Special Rapporteur for Torture and other Cruel, Inhuman or Degrading Treatment or Punishment Manfred Nowak provoked a swift remedial action from the GOU. The prison system had been a long standing concern in Uruguay and Nowak, a highly experienced Human Rights expert invited by the GOU, declared that prison conditions at some Uruguayan facilities are among the worst he had ever seen. To its credit, the GOU immediately undertook plans to transfer large numbers of prisoners to alternative facilities, such as armed forces bases, that can be swiftly converted. This short term relief is to be complemented by an exploration of longer-term solutions, including penal reform. Nowak praised the GOU's constructive approach to dealing with the problems he identified. End Summary.

#### No Torture, but Appalling Prison Conditions Nevertheless

2. Following a five day visit to Uruguay, UN Special Rapporteur Manfred Nowak presented a report of his findings March 27. Nowak noted that while he had received only a few, unsubstantiated cases of torture, he had, nevertheless, received numerous credible reports of maltreatment in prisons, police stations and juvenile detention centers. Nowak, who has inspected prisons all over the world, described the "shocking" prison conditions in some Uruguayan facilities as being among the worst he had ever seen. He said he found Libertad Penitentiary particularly appalling, with convicted prisoners and pre-trial detainees held together "like animals in metal boxes" for almost 24 hours a day, often drinking from toilets because of restricted access to water. Nowak reported that bodily waste was routinely deposited in bottles and plastic bags, which in the case of the Juvenile detention centre were simply flung out of the cell door. In the prisons Nowak visited, he found overcrowding to be chronic, inter-prisoner violence to be high, medical attention to be limited and prospects for rehabilitation to be practically nonexistent. Nowak opined the Uruguayan prison system was in danger of collapse.

#### The GOU Springs Into Action

3. Prison conditions have long been a cause for concern in Uruguay. When the present Frente Amplio (FA) administration came to power, it sought to alleviate the overcrowding by releasing some low-risk prisoners. However, steadily climbing crime rates have continued to increase the pressure on the prison system and conditions have continued to decline. In 2005, the government created the position of Prison System Ombudsman that was enacted by law in 2003. Elected by the General Assembly, the incumbent is responsible for monitoring and reporting to both Congress and the government on prison conditions in the 27 detention centers around the country. Office of the Ombudsman officials completed 118 prison visits last year, exceeding the annual required plan of 100 visits. The Ombudsman's yearly reports include statistics on prisoners and their conditions, as well as updates on prison programs such as education

opportunities, farming, and business ventures.

¶4. Nowak's report brought the issue of prison conditions back to the front of the agenda. The GOU, proud of its record on human rights issues, responded to the issues raised in the report with renewed vigor. The challenge is significant. The most recent figures (2007) record that of 3.3 million inhabitants in Uruguay, roughly 8,000 are presently incarcerated. Judges rarely grant bail for persons accused of crimes punishable by at least two years in prison. Although most persons facing lesser charges are not jailed, a 2008 Amnesty International report records that between 60 and 65 percent of all persons incarcerated were awaiting final decisions in their cases. Some detainees spend years in jail awaiting trial, and the uncertainty and length of detention contributed to tensions in the prisons. Seventy percent of all prisoners are under 35 years of age.

¶5. At a special cabinet meeting held just after the report's release, President Tabare Vazquez announced the need for "immediate measures." An initial proposal to rapidly transfer 600 prisoners to the Military Training School at Punta Rieles in Montevideo was placed on hold however, after engineers assessing the building (which had previously served as a woman's prison during the military dictatorship) determined that at least six months of work would be needed to ready the building for the influx of prisoners. On April 14 the GOU announced a broader plan to transfer some 1,250 prisoners to various alternative locations. In all, four prisons will be affected, but the largest single group, some 550 prisoners, are to be transferred from Comcar prison (on the outskirts of the department of Montevideo) to other facilities. Priority is to be given to 30 women who are presently incarcerated with their young children. These individuals are to be moved to a large house provided by the Ministry for social development. Other alternative locations include the old, soon to be renovated 'La tabla' prison (also in Montevideo) which, together with the Libertad penitentiary, is to receive a range of pre-fabricated concrete cells to house the inmates. Additionally, the GOU is planning to open a psychiatric unit to help those prisoners with drug addiction and mental health problems and aims to establish a series of 'half-way-house' day release institutions for around 450 low-risk prisoners who are close to completing their sentences.

¶6. The GOU has faced domestic political criticism from some who argue that despite decades of complaints, it took an external report to effect any meaningful change in the nation's prisons. In presenting his report however, Nowak was quick to praise the GOU's open attitude. He noted that the Uruguayan authorities had specifically invited him knowing that it had a problem and had been highly cooperative in allowing him to gather the data he needed for the report. While, as President Vazquez noted, the government had underestimated how bad prison conditions had become, he has nevertheless ensured that a great deal of political momentum has been generated to address the issue head-on. The GOU has also made it clear that it considers prisoner transfer to be a short-term solution and that deeper reform, including penal reform, new construction, and alternative detention arrangements may well be required.

Comment

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¶7. The issue of crime and punishment is currently a political lightning rod, as public security ranks at or near the top of Uruguay's concerns. The GOU's swift response to Nowak's report seems likely to achieve some important relief from the problems it highlights. The GOU's apparently sincere efforts to explore longer-term solutions however, will take time. End Comment.